

**BOARD OF FORESTRY AND FIRE PROTECTION**

P. O. Box 944246  
SACRAMENTO, CA 94244-2460  
(916) 653-8007  
(916) 653-0989 fax  
Website: [www.fire.ca.gov](http://www.fire.ca.gov)



**MINUTES**  
**BOARD OF FORESTRY AND FIRE PROTECTION**  
**January 9 and 10, 2001**  
**Sacramento, California**

**MEMBERS PRESENT:** Stan Dixon, Acting Chair  
Mark Bosetti  
Robert Heald  
Raymond Flynn  
Tharon O'Dell  
Gary Ryneerson

**MEMBER NOT PRESENT:** Kirk Marckwald

**BOARD STAFF PRESENT:** Christopher P. Rowney  
Executive Officer  
Daniel R. Sendek  
Executive Officer, Foresters Licensing  
Donna Stadler, Executive Assistant

**DEPARTMENTAL STAFF:** Andrea Tuttle, Director  
Ross Johnson, Deputy Director  
Resource Management  
Dean Lucke, Assistant Deputy Director  
Gerald Ahlstrom, Forest Practice Staff Chief

**CALL TO ORDER**

Acting Chair Dixon called the January 2001 meeting to order.

**APPROVAL OF MINUTES**

Acting Chair Dixon asked for approval of the October and November 2000 Board minutes.

**01-9-1** Mr. O'Dell moved to approve the October and November 2000 minutes as amended. Mr. Flynn seconded the motion, and all were in favor.

## **REPORT OF THE CHAIRMAN**

Acting Chair Dixon said that on December 21 he and Members Heald; Ryneanson; the Executive Officer, Chris Rowney; and the Board's Counsel held a publicly noticed meeting to discuss the Civil Penalties Appeal Process and a report of that meeting was scheduled for later in the meeting. He reported that during the RPC meeting there was some discussion regarding a possible field trip to the Davis Nursery and to the CDF Academy in Lone. He thought that it would be a good trip for the Resource Protection Committee and possibly the full Board. He then said that there had been calls for the Ecosystem Management Committee to be re-established.

## **REPORT OF THE USDA FOREST SERVICE**

Ms. Chris Nota, USDA Forest Service, Assistant to the Regional Forester, reported that the Sierra Nevada Framework Project would be signed on Thursday or Friday of this week by Regional Forester Brad Powell. The Report of Decision would be sent out electronically on Friday. The Framework is a balance of old growth and fuels. Fuels within the first ¼ mile of the urban-interface are a priority, in the next mile and a ¼, there will be some balancing of other concerns even though fuels will remain a priority. She said that as soon as the decision is signed, they go into an appeal period. Also they are looking at forming a Federal Advisory Committee Act (FACA) advisory committee to help with the long-term monitoring. She said that the Forest Service met on December 8, 2000, with the Fire Alliance to define rules and responsibilities and, it is believed that the CDF/Board's Fire Plan is the place to begin. She then reported that the Forest Service had been holding job fairs throughout the State and there has been a good response.

Ms. Nota reported that the Roadless Policy final rule had been published in the Federal Register. She then reported that the Forest Service's Road Management Policy became final last week dealing with the Forest Service existing roads. It is focused on making science-based decisions about which roads should get funding and which ones should be decommissioned.

## **REPORT OF THE OAK MORTALITY TASK FORCE**

Ms. Nicole Palkovsky, reported on the scientific update related to the cause and the potential for spread, potential quarantines, funding issues, and upcoming meetings. She said that a new species of *phytophthora* has been determined to be the cause of Sudden Oak Death. Tanoak is more susceptible than the coast live oak. The organism requires cool and moist climates and is known to be in six coastal counties; Sonoma, Napa, Marin, Santa Cruz, Monterey, and San Mateo. She said that they are finding that the disease is transported through firewood. There was also evidence that it may be airborne. She said that the finding was that this *phytophthora* has the potential to spread very quickly. She then provided a handout regarding the Oregon Department of Agriculture's determination that a Sudden Oak Death Emergency Quarantine on all of California is necessary. It includes plants and plant parts of the following species: tanoak, black oak, and coastal live oak, and any other plant species found to be susceptible to this disease and associated soil. It also includes nursery stock, logs, lumber, bark chips, mulch, firewood, sawdust, acorns, other plant products that may contain pieces of bark or are constructed from pieces of bark, and associated soil.

Ms. Palkovsky said that funding was an important issue and that four bills had been introduced; SB31, AB53, and AB62. It looks as though they will merge into two bills, one for the Senate and one for the Assembly. There will be a board meeting on Friday in Vallejo and a general Task Force meeting on January 31 and February 1, 2001.

Mr. Mark Stanley, CDF, said that Oregon's quarantine is a result of the risk assessment that was done through AFES. The California Department of Food and Agriculture (CDF&A), a member of the task force, is not sure how effective a quarantine would be if the disease is airborne and the question of a quarantine is under the purview of CDF&A.

Acting Chair Dixon suggested that the Board direct staff to provide a process in which the Board would need to go through to determine a Zone of Infestation.

Mr. Kent Stromsmoe said that it makes sense to get ahead of science.

Ms. Traci Thiele, Humboldt Watershed Council, said that the clearing equipment should be cleaned prior to movement to different areas.

Mr. Richard Gienger asked if there had been sightings in Humboldt or Mendocino Counties.

Acting Chair Dixon said that all suspicious sightings had been checked out by the state pathologist or representatives from UC Davis and none have proven to be this pathogen.

Mr. Mark Stanley, CDF, said that that was a correct statement. Also, the Utilities Committee of the Task Force was looking at the equipment cleaning issue. CDF is putting a policy in place regarding the cleaning of equipment as it is transported from one place to another.

## **REPORT OF THE ADVISORY COMMITTEES**

### **PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)**

Mr. Daniel Sendek, Executive Officer for Foresters Licensing, reviewed the PFEC statistics in the Board's binder and asked for approval of the applicants who successfully passed the PFEC examination on October 20, 1000. He read the names into the record: James M. Browne, RPF 2695; Samantha J. Gill, RPF 2696; Rhett E. Imperiale; RPF 2697; Kevin E. Casey, RPF 2698; Robert A. York, RPF 2699; Thembi T. Borrás, RPF 2700; Dustin Linder, RPF 2701; Charles M. Richardson, RPF 2702; Scott C. Bullock, RPF 2703; Michael W. Miles Jr., RPF 2704; Dan C. McCall Jr., RPF 2705; Michael S. Williams, RPF 2706; Daniel B. Stapleton, RPF 2707; Steven A. McKinstry, RPF 2708; and Gregory A. Guisti, RPF 2709.

**01-9-2** Mr. Heald moved to approve the successful applicants as listed above as Registered Professional Foresters. Mr. Rynearson seconded the motion, and all were in favor.

Mr. Sendek then asked for the Reinstatement of Gail Grifantini, RPF 2210 from withdrawal status.

**01-9-3** Mr. O'Dell moved to accept the Reinstatement of Gail Grifantini, RPF 2210. Mr. Flynn seconded the motion, and all were in favor.

Mr. Sendek announced the passing of the following Registered Professional Foresters: Henry J. Vaux, Sr., RPF 835; Roy D. Berridge, RPF 721; and Harvey A. Striplin, Jr., RPF 741.

Mr. Gary Rynearson provided the biannual report of the PFEC. He said that the PFEC met twice during the second half of 2000. They discussed the revision and re-approval of the Board's policies that pertain to Professional Foresters Registration. The Committee felt that with the incorporation of Policy Number 4 into the revised 14 CCR §1612.2, it should be deleted from the existing policies. The PFEC recognizes the need for new questions for the RPF examination. He said that prior attempts to solicit questions had been unsuccessful so it was decided to solicit individual questions with a payment of \$100 per question and answer to be approved by the PFEC. The PFEC Executive Office would also contact the professional forestry organizations for questions. He reported that the PFEC is continuing to work on a publication aiding the public in understanding forest management and timber harvesting in California. At the request of the Board, the PFEC reviewed existing regulations linked to RPF responsibilities that would, when violated, be appropriate for the issuance of an infraction per the language of SB 621. The Committee recommended that several sections be subject to the issuance of an infraction by the Department. There was also discussion regarding the THP filing rejection rates as compiled by the Department. The Committee directed staff to prepare an article for the next issue of the Licensing News to inform the RPF community. RPF examination was administered on October 2000 to 37 applicants. The PFEC continues to monitor the USFS Memorandum of Understanding. He then reviewed the status of RPF Licensing Cases 7/1/00-12/31/00; and disciplinary actions. There were nine cases carried over from the first half of 2000; six new cases were brought to the attention of the PFEC; six cases were resolved in the second half of 2000.

Licensing case dispositions for the second half of 2000 were one Letter of Concern and three Exoneration. There were two notices of requirement to be licensed. He then reviewed the current RPF Statistics for the Board.

### **MONITORING STUDY GROUP (MSG)**

Mr. O'Dell said that the MSG was scheduled to meet on January 23, 2001, at Howard Forest. There will be a full report next month.

### **REPORT OF THE INTERIM COMMITTEE**

Mr. Heald, Chair of the Interim Committee, said that the Committee reviewed a report from the CDF Stewardship Committee. The next meeting of the Stewardship Committee will be in Sacramento on January 19, 2001. He said that the Committee spent some time reviewing the State Water Resources Control Board's proposal for amendments to regulations affecting Exemptions and Emergency Notices and the review process. There was a very good discussion. He then said that the Committee discussed the proposed modifications to the Review Team documentation of mitigation proposals. Including a report from CDF regarding its methodology on dealing with this issue now. Under new and unfinished business, the representative from the National Marine Fisheries Service asked if the Committee had an agenda and a list of topics it would pursue and a timeline. He was referred to what was developed last year that was still in the formation process. The concern was relative to the watershed assessment.

### **RESOURCE PROTECTION COMMITTEE (RPC)**

Acting Chair Dixon reported for the RPC. He said that the Committee received its monthly report from the CDF Region Chiefs. The Sierra South Chief reported on the fire in Southern California. He said that most of the land burned was Forest Service land. However, there was some State Responsibility Area (SRA) land burned. The Department then provided a review of its annual report on the Vegetation Management Program (VMP), the SRA fire year, and a briefing on the sudden oak death issue.

### **REPORT OF SPECIAL COMMITTEE REGARDING DECEMBER 21, 2000, MEETING**

Mr. Christopher Rowney, Executive Officer of the Board, reported on the publicly noticed meeting was held on December 21, 2000, to discuss Board action alternatives in the event of a request for hearing following a complaint and proposed order for civil penalty. The Board's Counsel, Bill Cunningham, provided an overview of several practices that are used throughout the state. The Committee directed staff and counsel to develop an analysis of alternatives by the February meeting.

Mr. Heald said that whatever process is used needs to do two things; protect the public interests by making sure the statute is implemented well and protect the rights of the people who bring an appeal to the Board. He believes that the Board should have some involvement early on so that it can understand the process.

Mr. Ryneanson said that the Committee wanted to recommend to the Board that it should retain the option in regulations to hold a hearing at its discretion, but that the Board should defer the burden of hearing an appeal to an Administrative Law Judge (ALJ). There were some timeframes that did not meet the Office of Administrative Law's timeframe so some adjustments would have to be made.

Acting Chair Dixon said that there seems to be some flexibility in how the Board puts together a potential rule. It might be wise for the Board to watch the proceedings of some of the appeal hearings before the ALJ, so that it could get a sense of the number of appeals before the Board or the ALJ.

Mr. Cunningham explained the process of how the regulations are being implemented. He said that he would work with staff to assemble materials for the Board's next meeting.

## **PRESENTATION FROM THE CALIFORNIA ASSOCIATION OF CONSERVATION DISTRICTS (CARCD) REGARDING ITS ACTIVITIES**

Mr. Tom Wehri, Executive Director of the California Association of Resource Conservation Districts (CARCD), provided various handouts for the Board and an update on its efforts for the Board. RCDs have provided locally led conservation services for over 50 years without direct funding from the state. One of the responsibilities of the RCD is to coordinate work with all the different entities; state, local, and private. He reviewed the map outlining the RCDs throughout the state with the Board. He provided the Board with copies of the CARCD strategic plan.

Mr. Steve Butler, Chairman of the Forestry Fuels Management Committee, explained that the Fuels Management Committee is one of seven committees within the CARCD. He provided a packet and reviewed it for the Board. It included the Mission Statement, Policies, and the CARCD's Strategic Plan 1999-2003. He said that the Board and CDF would receive two letters that came from the CARCD in the forms of resolutions that were passed by all the voting members. He said that CARCD and its committees address local issues that require statewide resolve. The two biggest issues are fuels management and regulatory relief issues for timber harvest and timber management.

There was some further discussion.

## **EXECUTIVE OFFICERS REPORT**

Mr. Christopher Rowney, Executive Officer for the Board, said that there would be a letter sent to CDFA regarding the oak mortality issue. He announced that the Board meetings for February and March would be on Mondays and Tuesdays due to a problem in attaining the Auditorium in the Resources Building. He then advised the Board that staff was continuing its efforts to fill a couple of vacancies of staff positions that have occurred.

Mr. Flynn said that would like to thank Dennis Hall, former Regulations Coordinator for the Board, for his work staffing the Interim Committee and also his work with the full Board.

## **REPORT OF EXECUTIVE SESSION**

Acting Chair Dixon reported that there was no Executive Session this month.

## **DIRECTOR'S REPORT**

Dr. Andrea Tuttle, Director of the Department Forestry and Fire Protection, reported on her recent trip to India. She then reported that Jon Rae, a 27 year employee with CDF had just retired. Roger Thompson would be the new Deputy Chief of the Coast Cascade Nursery program and that Bill Snyder would be the Deputy Chief in Santa Rosa. She said that with regard to the CDF budget, there was nothing to report at this time, it should be announced later today. She then reported that she visited the Forest Products Lab at UC Berkeley and would like to arrange a presentation for the Board during its March meeting. Also, during the Board's lunch break, and in conjunction with the presentation by the Forest Products Lab, a brief presentation of the display in the Director's hallway on the 15<sup>th</sup> floor of California Native Hardwoods. She said that later in the month the Unit Chiefs would be briefing her on the status of the implementation of the Fire Plan in each unit. She believes that they will be receiving funding for CDF's fuels management projects. She then reported that on Christmas morning at 3:30 a.m., CDF was called in on the southern California fires. Director Tuttle reported that there would be a climate change workshop Thursday and Friday that the Energy Commission is sponsoring. It is now believed that climate change is real and the way it will manifest itself is that the extremes will become more extreme. This workshop is an adaptation workshop anticipating how California will need to adapt if indeed the climate change predictions are correct. She said that there was no agreement in the Hague negotiations at the international level. However, the subject has not gone away and the international community is considering continuing the talks in the spring. CDF is considering a workshop for foresters to talk about forestry applications of carbon sequestration.

Mr. Mark Stanley, CDF, said that the Department has formed two advisory committees to provide information and advice to the Director on forestry issues through out the state. One is the California Community Forestry Advisory Committee advising the Director on urban issues, and the other is the State Forestry Advisory Committee formed to help evaluate the research proposals that come in for state forests. All of the persons nominated to serve on these committees have accepted. The State Forest Advisory Committee is planning a meeting for the January 21, 2001. He then reviewed the membership of the Committees.

## **PRESENTATION OF THE GOLDEN TROWEL AWARD**

Mr. Daniel Foster, Senior State Archaeologist, CDF, provided the Board with the background of the Golden Trowel Award. The Award is presented in recognition of superior accomplishments in archaeological site stewardship. The Awards Committee recommends that this year's Award go to Sierra Pacific Industries Forester Henry T. James for his outstanding work in recognizing archaeological and historical sites on company land.

Acting Chair Dixon the presented Henry T. James with the Golden Trowel Award and recognized Mr. James' family who was also in attendance.

Mr. James introduced his family and thanked the Department and the Board for the recognition and the Award.

## **PUBLIC FORUM**

Mr. Mark Rentz, California Forestry Association (CFA), said that under the civil penalties issue, the Board needs to construct a process that satisfies its needs under the law as well as all parties needs and constitutional and procedural rights. He then reviewed the Superior Court's decision regarding Big Creek Lumber case vs. Santa Cruz County for the Board saying that it was a favorable ruling. The Board and CDF have the ultimate authority over forestry operations. He then provided a copy of *A Review of Redwood Harvesting Another Look --- 1990* and reviewed it for the Board.

Ms. Traci Thiele, Humboldt Watershed Council (HWC), thanked the Board for all that she had learned over the past three years and for allowing her to express herself. She then said that the carbon sink issue is one that has been discussed in their community and provided an overview of their efforts. She then said that they believe that a settlement is near in the Redway Forest Defense lawsuit. She said that several of the concerns of the people were missing from the Official Response . The way that CDF and the landowner respond to the public concerns is something that needs to be addressed.

Mr. Dan Weldon, Forest Landowners of California (FLOC), said that from the landowners standpoint regarding the Superior Court ruling in Santa Cruz, one negative issue is that it left the non-TPZ landowners in a questionable position. FLOC is doing a survey of its membership to see how many are non-TPZ and try to determine a course of action. He said that the FLOC believes that the Interim rules are too harsh for its membership, and the failure to act on the landowners alternative for the WEMA also leaves FLOC members in a difficult position. He then expressed a desire for the DTACs to be reinstated.

Mr. Richard Gienger noted the passing of Henry Vaux and provided a copy of a letter of his history for the Board. He then said that he understands the rationale of reinstating the DTACs, but believes that there should be more diversity on those committees. He then said that he was interested in seeing how the new rules in 916.4 relating to mapping problem areas will be implemented. His concerns are with the word "should" within that rule package. He congratulated the recipient of the Golden Trowel Award, however, there are still some shortcomings that need attention such as consultations and rules that work. He then reviewed budget problems with the Board. There is a need to help small landowners. He then urged the Board to get rules together regarding old growth and exemptions.

Mr. Christopher Rowney, Executive Officer for the Board, commented that DTAC authorization exists in PRC, however in the Government Code § 8001, DTACs were abolished by the Legislature. Reinstatement must come from a Legislative action.

Mr. Alex Rate, Sierra Club, said that the Coho salmon on the northcoast are still declining even as we move closer to a 4(d) rule. He also expressed concern over the clearcutting in the Sierra Nevada.

## **CONTINUED REPORT OF THE ADVISORY COMMITTEES**

### **CALIFORNIA FOREST PEST COUNCIL (CFPC)**

Mr. Rowney said that the Chairman of the CFPC was not able to be here today, however, he provided a copy of his report and it will be forwarded to the Board Members.

### **RANGE MANAGEMENT ADVISORY COMMITTEE (RMAC)**

Mr. Tom Randolph, Executive Secretary to the RMAC, introduced the RMAC member who would be providing its end of the year report for the Board.

Mr. Ken Zimmerman, Chairman of the RMAC, said that during 2000, RMAC revisited its Strategic Plan, Mission Statement, and Goals. He said there was restructuring of the Strategic Plan. There are now three resource focus groups and a policy focus group. RMAC will work off of the recommendations that come out of those groups. He reviewed efforts currently being made by those groups for the Board. He said that ARS is looking at re-structuring its program. The Range Focus Group is producing a white paper addressing grazing and fuels reduction. He then reported that he had gone to Las Vegas in December for the National Grazing Land Conservation Initiatives (GLCI) Conference. He discovered that California does not receive any range research dollars from USDA Agricultural Research Service (ARS). He then encouraged the Board and the Resource Agency to contact ARS for range research dollars. Under the Vegetation Management Program, over a ten-year average, 275,000 acres were burned in California. Approximately 35,000 of those acres are control burns and RMAC would like to see those acres of control burns be increased. RMAC has been working on a California Fuel Hazard Reduction Act. The purpose is to reduce fuel hazard and the threat of catastrophic wildfire while promoting health and forest rangeland ecosystems. He then provided a recap on AB 1740 for the Board.

Mr. Clancy Dutra, Focus Group Leader for the Water Quality and Management, said that the Group was working on the projects that are in the Strategic Plan. He said that the Group was continuing its implementation of the Range Water Quality Plan. RMAC has achieved its goal of a million acres under plan. He said that a resolution has been forwarded to the Board and to the groups that have participated in creating the plan. The second part of working on the implementation of the water quality plan has been recognition so that 2 million acres will go under the plan. He then reviewed the goals of the past year and said that they were ongoing projects. The Group is also working with various agencies to set up water quality workshops.

## **APPOINTMENTS TO PROFESSIONAL FORESTERS EXAMINING COMMITTEE (PFEC)**

Mr. Gary Rynearson, Chair of the PFEC, reported that he and Member O'Dell had been appointed as a subcommittee of the Board to work with the Executive Officer of Licensing to develop nominees for the open positions on the PFEC. Currently there are eight members on the PFEC and that he would at this time be resigning from the PFEC in order to focus his attention to his duties as a Board of Forestry member. There are five positions that are up for appointment or replacement on the PFEC. He then reviewed the available positions and the make-up of the PFEC for the Board. He referred to the list of nominees in the Board's binder. The recommendation of the Committee is that the three members whose terms are up, requested to be re-appointed. The other recommendations from the Committee are Jerry Jensen, RPF, and Hal Bowman, RPF.

Mr. O'Dell said that the group of candidates are all highly qualified to serve. He noted the dedication needed to attend meeting and said that he believed these candidates would do a very good job.

**01-10-4** Mr. Ryneanson moved to approve the re-appointments of Helen Libeu for a 3-year term; Bob Heald for a 3-year term; Tom Osipowich for a 4-year term; Gerald H. Jenson for a 4-term; and Hal Bowman 1-year term. Mr. Flynn seconded the motion. Mr. Heald abstained from the vote.

The motion carried unanimously with one abstention.

Acting Chair Dixon thanked Member Ryneanson for his service as Chairman to the PFEC. He then appointed Doug Ferrier as the new chairman of the PFEC.

#### **REPORT FROM OTHER FEDERAL AGENCIES, INCLUDING THE NATIONAL MARINE FISHERIES SERVICE (NMFS)**

There was not report this month.

#### **DEPARTMENT OF FISH AND GAME REPORT REGARDING PETITION TO LIST COHO SALMON**

Dr. Marty Berbach, Department of Fish and Game, announced that Kevin Shaffer has been assigned to assist with the Board of Forestry in fisheries, watershed, and fire issues. He said that Mr. Shaffer would attend Resource Protection Committee meetings. He provided copies of the DFG's response to the petition to list Coho salmon. He outlined the listing process under the California Endangered Species Act for the Board. He said that the petition was received on July 29, 2000, and referred to the Department of Fish and Game on August 7, 2000. That began the 90-day clock, however, the Department asked for and received a 30-day extension. DFG completed its review on November 30, 2000. The Department of Fish and Game found that the information in the petition generally sufficient to indicate that listing may be warranted. The Department recommends that the Fish and Game Commission accept the petition. If the Commission agrees with the recommendation and Coho salmon becomes a candidate species, then the Department would undergo a twelve-month status review that would included all scientific information pertaining to the species. This recommendation will be presented to the Commission.

#### **NEW AND UNFINISHED BUSINESS**

Mr. Richard Gienger asked the Board what is was planning regarding addressing some of these issues. Also how was the Interim Committee going to handle its agenda.

Acting Chair Dixon said that because this was not an agenda item that those questions should be brought up in the Interim Committee.

Mr. Heald said that the Interim Committee has not had the time and that he hoped that the agenda next month would allow time to consider these issues. He expressed his interest in urging the Board to develop workshop format sessions where Board members and the public can have a series of presentations on watershed assessments and also the oaks issue.

#### **ADJOURNMENT**

Acting Chair Dixon said that the January 2001, meeting of the Board was adjourned.

Respectfully submitted,

ATTEST:

Christopher P. Rowney  
Executive Officer

Stan Dixon  
Acting Chair

Copies of the attendance sheet can be obtained from the Board Office.